



U.S. Department of Justice

*United States Attorney
Northern District of New York*

James T. Foley U.S. Courthouse

*445 Broadway, Room 218
Albany, New York 12207
(518) 431-0247*

June 10, 2010

PRESS RELEASE

Richard S. Hartunian, U.S. Attorney for the Northern District of New York, and James Parmley, U.S. Marshal for the Northern District of New York, announced that **JEFFREY HERBERT**, age 48, of Troy, New York, was sentenced today by U.S. District Judge Lawrence E. Kahn in Federal Court in Albany on his guilty pleas to both counts of an Indictment charging him with failing to update his registration as a sex offender and larceny from the Veterans Affairs Federal Credit Union. **HERBERT** was sentenced to 15 months imprisonment and ordered to serve a lifetime term of supervised release. He was also ordered to pay restitution to the Credit Union.

HERBERT pled guilty on December 17, 2009. In connection with his plea, **HERBERT** admitted the following:

On or about February 27, 1998, in St. Lawrence County, JEFFREY HERBERT was convicted of two counts of Rape in the Third Degree (sex with 14 and 15 year old female minors). Under New York and New Jersey law, HERBERT was required to register as a sex offender, and update his sex offender registration, based upon these convictions... On March 12, 1999, in connection with his release from prison as a result of his

sentence relating to said convictions, HERBERT registered as a sex offender with the New York State Division of Criminal Justice and listed an address in New Jersey. Pursuant to the Sex Offender Registration Form completed by HERBERT, he certified both that he understood his obligations to verify his home address and provide notification of any change of address...and that these obligations had been explained to him. On March 17, 2009, HERBERT completed a NYS Sex Offender Registry Address Verification Form and confirmed that he still resided at said New Jersey address. For a period of time, HERBERT did in fact live in New Jersey after being released from prison. However, at the time he completed said Verification Form, he was actually living in New York. HERBERT did not submit any further documents or information to the New York State Sex Offender Registry after March 17, 2009. Sometime around December of 2008, HERBERT moved into an apartment in Delmar, New York. He did not update his sex offender registration in New York or New Jersey to reflect his change of residence. He lived at said address until February of 2009. Thereafter, he moved to an address in Troy, New York, on or about February of 2009. He also did not update his registration in New York or New Jersey to reflect this change of address. Sometime in April of 2009, HERBERT applied for a New York State driver's license and listed said Troy address as his residence. In addition, HERBERT worked at a store in Delmar, New York, from December of 2008, through July of 2009. Thereafter, on or about July of 2009, he began working at a store in Troy, New York. HERBERT failed to notify New York or New Jersey officials of his employment, or change in employment, in New York. On August 5, 2009, HERBERT was arrested in Troy, New York. When interviewed, he admitted that he had relocated to New York from New Jersey sometime in November of 2008, and had been working in New York since this move. He also acknowledged that he did not update his sex offender registration to reflect his move to New York.

HERBERT also admitted during his plea that:

On July 27, 2009, he withdrew \$700.00 from the account of an individual which was maintained at the Veterans' Administration Federal Credit Union located in Albany, New York. He withdrew said funds at a branch of said Credit Union located on Holland Avenue, in Albany, New York. At the time HERBERT withdrew said funds, he represented that he was said individual and presented a withdrawal slip containing said individual's account number. HERBERT did not have the permission or authority of said individual to withdraw funds from this account. After withdrawing said funds, HERBERT distributed a portion of said funds to two men to whom he owed money. HERBERT knowingly and willfully took and carried away the \$700.00 with the intent to steal or purloin it.

The case was investigated by the U.S. Marshals Service.

CONTACT:

Thomas Spina Jr.
Assistant U.S. Attorney
tel.(518) 431-0247